UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
GENERAL

CEDAW/C/1992/L.1
21 January 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Eleventh session
New York, 20-31 January 1992
Agenda item 7

ADOPTION OF THE REPORT

ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women

1. On 31 January 1992, the closing date of the eleventh session of the Committee on the Elimination of Discrimination against Women, there were 111 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York on 1 March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981.

2. A list of States parties to the Convention is contained in annex I to the present report.

B. Session

3. The Committee on the Elimination of Discrimination against Women held its eleventh session from 20 to 31 January 1992 at United Nations Headquarters in New York. The Committee held ... (189th to ...) meetings.

4. The eleventh session of the Committee was opened by the Chairperson of the Committee elected at the tenth session, Mervat Tallawy (Egypt), who welcomed the members.

5. In her opening statement on behalf of the Secretary-General of the United Nations, the Director of the Division for the Advancement of Women of the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna, in highlighting some areas where the work of the Committee and the Commission on the Status of Women converge, stated that one of the effects of the changes being witnessed at the global level was the trend to democratization. Increasing attention was being paid not only to the existence of rights, but to their exercise. The major focus was on rights de facto, in addition to rights de jure. Since the Committee on the Elimination of Discrimination against Women, as well as the Commission on the Status of Women, were concerned primarily with the effective implementation of rights, they both played key roles in that greater trend. She said that in examining the reports of States parties, the Committee had always shown that it was concerned with the implementation in practice of the rights contained in the Convention, and not only with their formal existence.

6. On the subject of violence against women, the Director stated that the Division had prepared an analytical report based on information contained in States parties' reports for the Committee's discussion of article 6 and of other articles related to violence against women and the sexual harassment and exploitation of women. Furthermore, the Committee would have before it the report of an expert group meeting convened on the issue in accordance with Economic and Social Council resolution 1991/18 from 11 to 15 November 1991 in Vienna. The meeting was attended by experts representing all regions and including representatives of the Committee on the Elimination of Discrimination against Women, and the Committee on Crime Prevention and Control. The experts recommended various strategies and approaches to eradicate violence against women. Among them was a draft declaration on violence against women, which also contained a definition of violence, submitted to the Commission on the Status of Women and the General Assembly. Any comments the Committee might wish to make would also be transmitted to the Commission. Other areas where the work of the Committee and of the Commission merged, were legal literacy, and political participation.

7. The Director went on to inform the Committee that since its last session, seven States, namely Burundi, Central African Republic, Estonia, Israel, Malta, Nepal, and the Netherlands had become parties to the Convention, bringing the total number of ratifications or accessions to 111. In reviewing the status of reports, she indicated that, starting in the current year, the Division would be able to avail itself of the services of an interregional advisor. One of her major tasks should be to assist States parties, upon their request, in the preparation of reports. The Committee currently had a backlog of 27 reports awaiting consideration. It might therefore wish to consider requesting additional meeting time from the General Assembly in order to avoid any undue delays between the submission of reports and their consideration by the Committee. She also informed the Committee that in accordance with a resolution adopted by the Third Committee on the rationalization of its work, in the future the reports of the Committee would be given in-depth consideration every other year, starting from 1992.

8. Concerning the innovations in the working methods of the Committee, the Director pointed out that the Secretariat had prepared for the first time detailed analyses for considering States parties' reports, including additional statistics available from United Nations sources, by the Committee. She pointed out that such work was done uniquely by the Secretariat of CEDAW. Pre-session documentation prepared by the Secretariat was available for the first time for general distribution. The documents covered violence, the informal sector, and women and development assistance. Finally, information presented by specialized agencies is also made available in a document of general distribution.

9. Lastly, the Director highlighted the very limited resources of the Division for the Advancement of Women. In order to prepare the current session of the Committee, other work, in particular the preparations for the World Conference on Women, had to be delayed. Given the current resource situation, the Secretariat would not be able to take on any additional tasks without adequate additional resources. She expressed her hope that the members of the Committee, as well as the States parties, would take that fact into account in their future decisions.

10. At the ... meeting, on ..., the Director-General of the United Nations Office at Vienna addressed the Committee.

11. She noted that ...

C. Membership and attendance

12. All members of the Committee attended the eleventh session, except Ms. Kongit Sinegiorgis. Ms. ... attended the session from to , Ms. ... from to . The membership of the Committee is given in annex II to the present report.

D. Solemn declaration

13. At the opening of the eleventh session, before assuming her functions, Ms. Shangzhen Lin (People's Republic of China) who was elected at the fifth meeting of States parties to the Convention, made the solemn declaration as provided for under rule 10 of the rules of procedure of the Committee.

E. Officers of the Committee

14. In accordance with article 19 of the Convention, the Committee elects its officers for two years. Thus, the officers elected by the Committee at its tenth session will continue to hold office at the eleventh session: Mervat Tallawy (Egypt), Chairperson; Ana Maria Alfonsín de Fasán (Argentina), Ryoko Akamatsu (Japan) and Zagorka Ilic (Yugoslavia), Vice-Chairpersons; and Chryssanthi Laiou-Antoniou (Greece), Rapporteur.

F. Adoption of the agenda

15. The Committee considered the provisional agenda (CEDAW/C/1992/1) at its 189th meeting, on 20 January. The agenda was discussed and adopted as follows:

1. Adoption of the agenda and organization of work.

2. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

3. Ways and means of implementing article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.

4. Ways and means of expediting the work of the Committee on the Elimination of Discrimination against Women.

5. Contributions of the Committee on the Elimination of Discrimination against Women to international conferences.

6. Provisional agenda for the twelfth session.

7. Adoption of the report.

G. Report of the pre-session working group

16. In accordance with the decision of the Committee at its eighth session, 1/ the Committee agreed that a pre-session working group should be convened before each regular session. Accordingly, the pre-session working group met in New York from 13 to 17 January 1992. The group consisted of five members as follows: Elizabeth Evatt (Chairperson), Emna Aouij, Ana Maria Alfonsín de Fasán, Zagorka Ilic, and Teresita Quintos-Deles.

17. At its 189th meeting, on 20 January, the Chairperson of the pre-session working group introduced the report of the pre-session working group (CEDAW/C/1992/CRP.2).

18. She said that the pre-session working group had been required to prepare lists of issues and questions relating to the second periodic reports of six countries: China, Czech and Slovak Federal Republic, El Salvador, Spain, Sri Lanka, and Venezuela. In preparing the lists, the pre-session working group had placed emphasis on the complex issues of equality and had considered that members of the Committee might wish to pose other relevant questions to the representatives of the States parties at the session. She pointed out that the pre-session working group, as requested by the Committee, reduced the number of questions and focused on more analytical and qualitative aspects, and underlined the achievements and remaining obstacles. She stated that the working group organized its comments and questions under each of the articles of the Convention, and decided to put issues relating to violence against

women under a separate heading, (following art. 5), with a reference to articles 2, 5, 11, 12 and 16, in accordance with the Committee's General Recommendation No. 12 (eighth session, 1989).

H. Organization of work

19. The Committee considered its organization of work at its 189th and meetings on 20 and January. The Committee had before it the following documents:

(a) Organization of work (CEDAW/C/1992/CRP.1), prepared by the Secretariat in consultation with the Chairperson of the Committee;

(b) Report of the Committee on the Elimination of Discrimination against Women on its tenth session; 2/

(c) General guidelines and general recommendations adopted by the Committee regarding the form and content of periodic reports;

(d) Economic and Social Council resolution 1991/25 entitled: "Elimination of discrimination against women in accordance with the aims of the Convention on the Elimination of All Forms of Discrimination against Women";

(e) Economic and Social Council resolution 1991/18 entitled "Violence against women in all its forms";

(f) Report of the pre-session working group (CEDAW/C/1992/CRP.2).

I. Composition of working groups

20. At its 189th meeting, on 20 January, the Committee agreed on the composition of its two standing working groups: Working Group I to consider and suggest ways and means of expediting the work of the Committee and Working Group II to consider ways and means of implementing article 21 of the Convention.

21. Working Group I was composed of the following members of the Committee:

Ana Maria Alfonsín de Fasán
Desirée P. Bernard
Dora Gladys Nancy Bravo Nuñez de Ramsey
Norma Forde
Zagorka Ilic
Shangzhen Lin
Tatiana Nikolaeva
Mervat Tallawy
Rose N. Ukeje

22. Working Group II was composed of the following members:

Charlotte Abaka
Ryoko Akamatsu
Emna Aouij
Carlota Bustelo García del Real
Ivanka Corti
Elizabeth Evatt
Shangzhen Lin
Grethe Fenger-Möller
Aida González Martínez
Chryssanthi Laiou-Antoniou
Edith Oeser
Teresita Quintos-Deles
Hanna Beate Schopp-Schilling
Kissem Walla-Tchangai

J. Mandates of Working Groups I and II

23. The Committee had before it the following proposed draft programme of work for Working Group I, as proposed by the Secretariat on the basis of deliberations of the Committee at its tenth session:

(a) Issues arising from the report of the pre-session Working Group (CEDAW/C/1992/CRP.2);

(b) Reports to be considered at the twelfth session of the Committee;

(c) Length of the twelfth session in 1993;

(d) Contribution of the Committee to the World Conference on Human Rights, 1993;

(e) Contribution of the Committee to the World Conference on Women, 1995;

(f) Contribution of the Committee to the International Year of the Family;

(g) Issues for the fourth meeting of persons chairing the human rights treaty bodies;

(h) Amendment of the Committee's General Guidelines as to the form and contents of reports;

(i) General observations, summary conclusions or recommendations following the presentations by individual States parties;

(j) Programme of work for the next session;

(k) Draft provisional agenda for the twelfth session.

24. The Committee had before it the following draft programme of work for Working Group II, as proposed by the Secretariat on the basis of the deliberations of the Committee at its tenth session:

(a) Pending general recommendations: development aid and women's role in development; teacher training on equality issues; women workers in enterprises; the Committee agreed to give priority also to the broad theme of women in the informal sector;

(b) Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (and other articles related to violence towards women and the sexual harassment and exploitation of women).

25. The Committee discussed in plenary meeting the programme of work of the two working groups. It was suggested to add to Working Group I an item on preparatory documentation prepared by the Secretariat for the session of the Committee. It was stressed that in the light of the upcoming World Conferences (World Conference on Human Rights, 1993, and Fourth World Conference on Women: Action for Equality, Development and Peace, 1995), the Committee would have to work on its timely contributions to those Conferences. Referring to the report of the expert group meeting on violence against women which was before the Committee, and in conjunction with the Committee's anticipated discussion of article 6, members proceeded to a preliminary consideration of the report.

26. One expert asked why the members of the Committee had not been informed about the expert group meeting. It was said that the report, although interesting, presented the Committee with a fait accompli, and she wondered what the Committee's task was now with regard to the report. She wanted to know if the report was going to be the basis for the deliberations of Working Group II. Another expert said that the Committee should give its opinion on the various options presented in the report of the experts. She considered it very important that the Committee express its opinion on the issue of strengthening of instruments. She also suggested that the Committee should make a recommendation to strengthen General Recommendation No. 12. She further asked if it was perhaps necessary to have two separate recommendations - one on violence, and one on article 6. She also stated that on the basis of Economic and Social Council resolution 1991/18, CEDAW was included in the expert group meeting. Experts voiced their concern over the risk of multiplication of efforts under way on the issue. It was stated that it was the role of the Secretariat to coordinate and to avoid duplication. The issue of violence was a serious matter, but one must proceed in an orderly way. The crucial point was implementation. Experts stated that the Committee should give its view on whether or not a new instrument should be developed, or whether a different approach should be favoured in addressing the problem. The question was which approach would most benefit women. Members underlined

the need to look into the substantive aspects of the issue of violence, and how the Committee could best contribute to the eradication of violence. It was stressed that the Committee should submit its comments to the Commission.

27. The Committee decided that the working groups should meet in closed meetings, in accordance with past practice. Both working groups are open to all members of the Committee. Specialized agencies, and other bodies which can make a substantive contribution to the items under consideration by the working group, may be invited by the working group to contribute to its deliberations.

Notes

1/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 38 (A/44/38), paras. 22-25.

2/ Ibid., Forty-sixth Session, Supplement No. 38 (A/46/38).

UNITED
NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
LIMITED

CEDAW/C/1992/L.1/Corr.1
29 January 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Eleventh session
New York, 20-31 January 1992
Agenda item 7

ADOPTION OF THE REPORT

Corrigendum

Replace paragraphs 10 and 11 with the following text.

10. At the 199th meeting, on 27 January 1992, the Director-General of the United Nations Office at Vienna addressed the Committee.

11. She said that cataclysmic changes had occurred in the world since CEDAW last met. While global conflicts had receded, other internecine conflicts had emerged. She noted that while hopes had been raised by the prospects of a new ordering of international relations, not all new developments were favourable to women. Respect for human rights, including those of women, and the application of international norms were the only way to protect people in periods of conflict and fundamental change. It was one way to ensure that women would be full participants in the processes of reform and renewal and not their victims. She observed a change in the global human rights debate which was moving away from a concern for their de jure existence alone. Today's key concern was focusing on their de facto implementation. She pointed out that the Committee had always recognized that trend. That new understanding of the meaning of human rights brought them closer to what could be termed social policy. Social policy was about steps that could be taken to achieve social well-being. It was mostly expressed in terms of public policies that converted norms into law and set up programmes to regulate the enjoyment of rights.

12. She then pointed to a profound misconception, namely, the tendency to think that human rights were gender neutral. They should be gender neutral, but in practice they were not, she said. That underlying assumption of gender neutrality still persisted, for example in the preparations for the World Conference on Human Rights. She stressed the need to reaffirm that human rights without women's rights could not exist, and that the Committee could continue to contribute so that there was full understanding of that link. The Committee could examine the gaps between de jure and de facto rights, it could provide a gender analysis of social and economic realities and it could point to the failures of society, such as in the case of violence against women.

13. She concluded by underlining the signal importance of CEDAW's contribution to the work of the Commission on the Status of Women. The Committee, as a treaty body, was in the unique position of establishing and maintaining a continuous dialogue with States parties. Through its recommendations, it could improve national reporting, it could enrich and strengthen the work of the Commission on the Status of Women, and it could influence the work of other human rights treaty bodies. CEDAW's contribution to the World Conference on Human Rights would strengthen the link between human rights and women's rights and the achievement of full equality for women.

14. Members of the Committee expressed appreciation for the increased support provided by the Secretariat for the Committee's work, but also pointed out that resources were still limited. The Committee faced an increasing backlog of reports, and had to prepare its contributions to the World Conference on Human Rights, the World Conference on Women and the International Year of the Family. Members expressed their hope for adequate support in those endeavours. In response, the Director-General noted the constraints under which the Secretariat had to operate and expressed the hope that the matter could be drawn to the attention of the appropriate intergovernmental bodies.

UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
GENERAL

CEDAW/C/1992/L.1/Add.1
21 January 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Eleventh session
New York, 20-31 January 1992
Agenda item 7

ADOPTION OF THE REPORT

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

A. Introduction

1. At its eleventh session, the Committee considered the reports of nine States parties: one initial report, six second periodic reports, one combined initial and second periodic, and one initial, second and third periodic report submitted by States parties under article 18 of the Convention. The status of submission of reports by States parties is indicated in annex ... to the present report.

2. The following paragraphs are arranged on a country-by-country basis following the order observed by the Committee in its consideration of the reports. They contain a summary of the introductory presentation by the States parties representatives, of observations made and questions asked by the members of the Committee on the reports, as well as the substantive elements of the replies given by the representatives of the States parties present at the meetings. More detailed information is contained in the reports submitted by States parties and in the summary records.

B. Consideration of reports

1. Initial reports

Barbados

3. The Committee considered the initial report of Barbados (CEDAW/C/5/Add.64) at its 190th and ... meetings, on 20 and 23 January (see CEDAW/C/SR.190 and ...).

4. In introducing the report, the representative of Barbados stated that the commitment of the Government to the elimination of discrimination against women had been manifested by the unanimous adoption of a parliamentary resolution regarding the improvement of the status of women, the provision of a Charter for Women and the National Development Plan, the establishment of the National Commission on the Status of Women and the Bureau of Women's Affairs in 1976, the acceptance by Parliament of the Commission's report, the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the ILO Convention concerning equal remuneration for female workers for work of equal value. Difficulties with regard to the preparation of the country report were related to obtaining statistical information disaggregated by sex and to the very small number of staff in the Women's Bureau.

5. The representative said that significant progress in regard to eliminating areas of recognized and recorded discrimination against women had been achieved through the systematic implementation of the national programme of action. In its effort to report on the status of women in the country, the National Commission on the Status of Women had presented 212 recommendations aimed at eliminating all areas of discrimination against women, of which 190 had been implemented within the period of the report. Following parliamentary acceptance of the Commission's report, the Bureau of Women's Affairs had disseminated the recommendations to the respective ministries and agencies and had held a national conference with governmental, non-governmental organizations and private sector agencies to facilitate their implementation.

6. The representative pointed out that the non-militant approach to the elimination of discrimination had been the hallmark of the country's progress in that area. In implementing the National Plan of Action, it was necessary to recognize the social and cultural reality of Barbadian women. Many women welcomed the changes and breaking down of the social barriers to their development and contribution, others feared the consequences on family and working relationships. Women themselves and also men were already more comfortable with the social strides made by Barbadian women. The process of integration was facilitated by the active involvement of 44 women's organizations. The Bureau of Women's Affairs was also holding leadership training seminars on political participation and consciousness raising. While outlining briefly the main points of the report, the representative mentioned additional action on violence against women since the reporting period and concluded by enumerating the areas requiring ongoing action and support, such as strengthening of the Bureau, adjustment of some areas of legislation, improvement of the participation of women in the political and civil decision-making process, more support of women in the self-employment/ entrepreneurial areas, strengthening of the data resource bases and amendments to the Constitution.

7. In general comments, members of the Committee expressed appreciation for the frank, concise, informative and well-structured report that adhered closely to the general guidelines as well as for the excellent presentation. It documented well the strong commitment of the Government and of

non-governmental organizations to the advancement of women. The annexes to the report showed the Government's initiatives to inform women about their rights. Members were impressed by the implementation of the big number of recommendations by the National Commission on the Status of Women although there was still a lot which had to be done for the advancement of Barbadian women. For example, many experts observed that despite the high percentage of women voters women were hardly represented in the Parliament or other higher political office and, therefore, it would be difficult for women to promote themselves if they could not participate in the planning and development of the country. Some experts asked for the reasons for the high percentage of women heads of households and about the professions they were carrying out. They inquired about the relationship between tourism and prostitution and asked whether the big role that tourism played in the country was only a way to give more women minor jobs or whether it brought more women also into management positions. The wish was expressed that future reports should contain more statistical data disaggregated by sex. Concern was raised as to why the reporting period was limited to the years 1982 to 1987 and that it should have contained more information on the current situation, especially on the topics on which the Government was currently focusing its attention.

8. With regard to articles 2 and 3, members requested more information on the recommendations that had been adopted by the National Commission on the Status of Women, on the exceptions that were anticipated by the Constitution and on the budget of the Commission. They also inquired about the budget allocations for the Bureau of Women's Affairs and the relationship between the Bureau and the ombudsman. They wanted to know whether cases dealt with by the ombudsman had been publicized. They asked about the results of the inquiry that was conducted by the Commission into the one-parent family with special reference to women's roles therein. Other questions asked were whether the Convention could be referred to directly by the Courts, whether the Commission could propose draft laws, whether each woman could have access to the Legal Aid Scheme and whether it was free of charge.

9. On article 4, members asked whether the Bureau of Women's Affairs had at all discussed any possible affirmative actions and temporary special measures such as a quota system.

10. Under article 5, members requested further information on programmes for suppressing violence against women; on the types of violence that occurred and whether it also included domestic violence; on the services that existed to help women victims of violence; and on related statistics. They wanted to know whether domestic violence constituted a criminal offence, and if so, what the sanctions were. They asked whether the programmes that had been introduced to modify social and cultural patterns of conduct had shown any result and whether analyses had been carried out on the reasons for the preponderance of women in certain professions. Another question asked was whether the Government was giving any assistance to women's organizations.

11. On article 6, members inquired about the extent of the problem of prostitution, they asked whether there was a discernible link between unemployment and prostitution and felt that women of between 15 and 24 years of age might not be drawn into prostitution if a functional programme existed for them. They asked whether prostitution constituted an offence or whether the conviction of the culprit was left to the arbitrary decision of a magistrate, whether only the prostitute was being prosecuted or also the client and the pimp. They inquired whether prostitutes were protected by any special legal measures or whether rape and violence in connection with prostitution were covered by the general legal provisions. Members wanted to know what type of preventive measures related to prostitution had been taken, what their results were and whether rehabilitation programmes existed. They asked whether the promotion of tourism had led to an increase in prostitution, and further information was requested about the connection between prostitution and HIV/AIDS.

12. Regarding article 7, concern was expressed at the low number of women in politics despite the Government's commitment to the advancement of women, despite women's high percentage of literacy and education and despite the high percentage of women voters. Other questions asked were whether women did not want to get into leadership positions, why there were so many women's organizations, whether women's organizations were trying to make women aware of their political responsibility, whether political parties had sought to raise the number of women and whether women themselves would not join efforts to present their candidacies and promote other women candidates. Members inquired about the reasons for the fluctuating voting pattern of women between 1966 and 1986 and asked whether the members of the Senate were elected or appointed, and if appointed, why the Government had not appointed more women.

13. On article 8, experts commented on the low representation of women in the diplomatic service and asked whether any programmes were being carried out to encourage women to enter it and to reach the upper echelons.

14. Regarding article 9, members welcomed the Government's intention to revise the discriminatory nationality law.

15. With regard to article 10, experts were impressed by the low rate of illiteracy. They requested statistics on the percentage of enrolment in secondary and tertiary education broken down by sex. They asked which percentage of public schools followed a coeducational system, why the percentage of girls who studied commerce was so high and whether there were plans to include sex education and family planning into the school curricula.

16. On article 11, questions were asked about the economic situation of the many female-headed households and the availability of government welfare programmes. Members inquired whether there was a legal provision regarding equal pay for work of equal value and wanted more information about the Legal Aid Scheme. It was not clear whether it corresponded to the institution of ombudsman or to availability of legal assistance. Appreciation was expressed at the inclusion of agricultural work into the gross domestic product.

Members asked whether there was a set annual rate of contribution to the pension scheme and what the share paid by the employers compared to that of the employees was. In case of dismissal on the grounds of pregnancy, the question was asked whether women who were given redress could take up their former occupation or whether they received only financial compensation. Also asked was whether laws prohibited employment discrimination against pregnant job applicants. Members inquired whether the maternity leave of 12 weeks was granted at full pay and one expert welcomed the frank assessment in the report that it was difficult to provide for nursing facilities for breast-feeding mothers at the workplace. Several members commented on the over-protective character of measures regarding safety and health of women at the workplace and asked whether night work for women was forbidden. They wanted also to know whether there were plans to offer a tax discount to the single women heads of households.

17. On article 12, clarification was sought about the legality of abortion and as to whether the problem of clandestine abortion had been eliminated. The question was asked whether information on family planning and contraceptives was available to teenagers and adolescents, whether they were free of charge and whether women had access to family planning advice without the husband's consent. Questions were asked about the female mortality rate and the reasons for mortality.

18. On article 13, members expressed concern at the provision according to which normally only the husband had access to children's allowances.

19. Concerning article 14, clarification was sought as to whether rural or urban women were involved in agriculture and whether there was any distinction regarding school education for rural women.

20. Under article 16, questions were asked regarding whether specific legislation empowered the courts with respect to property rights in common law relationships, why so many couples lived in common law relationships, whether a man could simultaneously enter into a legal marital union and a common law union, thus having two wives, through which procedure a child born out of wedlock could be legitimized, which family name children born out of wedlock were given and what the situation regarding family names of the spouses and the children within a legal marital union was. Members inquired whether the dowry system existed; they questioned whether it was realistic that the law foresaw only one ground for divorce, whether there were female judges and whether judges were trying to reconcile the parties in a divorce. Other questions concerned the definition of the breaking down of a marriage, whether it had to be on moral, economic or emotional grounds, and whether the judge could decide on the continuation of maintenance of children beyond the age of 18 years.

21. In replying to questions raised, the representative of the Government mentioned that some of the misunderstanding of the situation in the country stemmed from cultural, historical and political differences. It was also stated, in response to specific questions, that Barbados had a bicameral

system. The members of the House of Assembly were elected, while the members of the Senate were appointed. The representative stated also that many women, as much as men, were avoiding participation in active politics. Regarding subsequent questions under article 16 concerning the high percentage of women-headed households, the representative said that that percentage was related partly to common law relationships and partly to divorce cases. Theoretically it was possible for a man to have a wife married to him and a common law spouse; however, in practice bigamy was rare. Previously, children born out of wedlock had to assume their mother's name; currently they could also take their father's name. Professional women sometimes kept their maiden name.

22. The Committee expressed appreciation for the efforts of its member from Barbados, Ms. Norma M. Forde, regarding the country report and the situation of women in that country.

UNITED
NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
LIMITED

CEDAW/C/1992/L.1/Add.2
22 January 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Eleventh session
New York, 20-31 January 1992
Item 7 of the agenda

ADOPTION OF THE REPORT

Ghana

1. The Committee considered the combined initial and second periodic report of Ghana (CEDAW/C/GHA/1-3) at its 191st and ... meetings on 20 and .. January 1992.

2. The representative of Ghana, in introducing the report, emphasized that societal and cultural attitudes remained major obstacles to the achievement of full de facto equality between men and women. After giving an overview of the demographic and economic situation in the country and its political and legal system, the representative outlined the measures taken by Ghana to implement the Convention in the light of the situation of women in the country and of the specific culture and values.

3. Despite the progress made in de jure equality, women continued to be discriminated against because of their arduous economic and domestic duties, in a society characterized by high fertility rates, lower standards of education and health for women and a concentration of the female labour force in the informal sector. The traditional inferior status of women was reinforced by the predominance of marriages under some forms of customary law which limited women's rights. It manifested itself also at the level of decision-making, from which women were absent.

4. There had been encouraging achievements however in the legal and constitutional fields, as well as through policies, programmes and projects. The new draft constitutional amendment of Ghana currently under consideration included extensive proposals to raise the status of women in Ghana. In particular, it contained provisions guaranteeing the property rights of women in marriage and less discriminatory conditions for acquisition of citizenship through marriage. The Ghanaian national machinery for the advancement of

women, the National Council of Women in Development, had been closely associated with developing that constitutional amendment. The work of the National Council of Women in Development, which was moving from a project approach to the integration of women's concerns into the policies, plans and programmes of key sectoral ministries, was complemented by the activities of different non-governmental organizations (NGOs).

5. In commenting on the various articles, the representative of Ghana also drew the attention of members of the Committee to several governmental or non-governmental programmes and projects, such as affirmative action in the field of education, the primary health care programme targeting women and children and a range of income-generating projects particularly in rural areas. The representative also described new legislation introduced in the field of intestate succession and the registration of customary marriage and divorce. Such programmes had improved women's rights but were not adequately known and taken advantage of by women.

6. In its general comments, the Committee expressed its appreciation of the fact that Ghana had ratified the Convention without reservation and of its frank and comprehensive report giving a clear picture of the real situation of women in Ghana and of the obstacles to an improvement of their status. The efforts made by Ghana to overcome discrimination and the priority given to health, education and changing attitudes were praised, especially in the light of the difficult economic conditions faced by Ghana. Members underlined the active role of the National Council of Women in Development and welcomed its new orientation towards integrating women's concerns into macro-level policies and programmes. More information was requested on the law under which Ghana had been ruled since the suspension of the Constitution.

7. Members expressed their disappointment about the persistence of polygamy, discriminatory inheritance systems and high female illiteracy and maternal mortality. They also noted the lack of recognition and value placed on women's work in rural areas and the new threat of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) pandemic. Members would have welcomed more statistics on changes in the de facto situation of women and asked why the number of female-headed households was increasing.

8. Members acknowledged that the report had to be viewed against a background of specific cultural attitudes, which had a bearing on the situation of women in Ghana and the coexistence of different systems of laws.

9. Noting the importance of tasks still facing Ghana, members stated that the National Council of Women in Development and NGOs had an important role to play in complementing government action. They expressed concern however that the link between NGOs and the National Council of Women in Development should remain flexible and that coordination among NGOs should take into account their respective mandates. Members hoped that the World Conference on Women would serve as a target and an impetus for achieving results and wished to be kept informed. With regard to international aid, members asked whether women had the opportunity to participate in decisions on the allocation of development aid.

10. Referring to article 2, members inquired whether it would be possible to reduce customary laws that discriminated against women and to move towards one legal system only.

11. Turning to article 3, they asked whether the Government had provided incentives such as training or other measures for women to work outside the home. As regards Ghanaian national machinery for the advancement of women, members suggested that it be given more power and money in a process of decentralization and inquired about its organization and budget.

12. On article 4, members welcomed the reference in the Ghanaian oral presentation to the introduction on a temporary basis of special measures to accelerate equality between men and women. They noted the ongoing re-examination of all civil codes in order to repeal provisions discriminating against women, and inquired about the time-table for the exercise and the likelihood that any proposed changes would be accepted. Pointing out that such measures were permanent and thus did not fall under article 4, members sought the Government of Ghana's understanding of that article.

13. Under article 5, Committee members expressed concern about the persistence of cruel widowhood rites. They sought more information about such rites, their impact on women and the frequency of their occurrence. They inquired about programmes to eliminate those rites, and asked whether they targeted men also. Members asked about the existence of other rites involving violence against women and asked about customary divorce, customary funeral rites and polygamous marriages. They inquired whether the Government had a medium-term plan to eradicate at least the most harmful customary practices for women and asked whether political leaders had spoken out against such practices.

14. In their additional questions, members inquired about programmes to change stereotyping of women's role and behaviour, and about the success of such programmes. The Committee asked whether NGOs and women themselves in Ghana struggled against those stereotyping, and whether the Convention had been invoked in steps taken to abolish them. Members expressed the wish to learn more about the Government's future plans for law reform and education programmes to promote societal changes on women's rights and status. They also wondered if there was a way to reconcile the de jure rights with the actual social situation of the women. Members asked how it was possible that, even in the societal communities where matriarchal principles prevailed, the situation of women was still so precarious.

15. Turning to article 6, the Committee asked about research on the root causes of prostitution in Ghana. A query was raised about the number of women practising prostitution, about the existence of legislative protective provisions on that matter, and whether women prostitutes had access to prophylactic methods and information. Members of the Committee also asked whether new actions had been taken since the 1980 national consultation on prostitution and inquired in particular about programmes for the economic reintegration of prostitutes. In relation to general recommendation 15,

members asked if Ghana had implemented programmes to prevent the spread of HIV/AIDS among prostitutes and to assist those who were HIV/AIDS infected. They asked about any practicial measure taken to deal with young women sent into prostitution to foreign countries, and sought information about the legislation against trafficking of young women and its effectiveness.

16. In relation to article 7, members asked if there were any plans or discussions about affirmative actions to increase the representation of women in politics. They also asked whether there was any governmental activity aiming, through educational programmes, at promoting changes in attitudes to encourage women's participation in economic and social planning. Members asked if NGOs played a role in promoting and educating women, and in giving political support for women's participation in politics. They inquired whether the percentage of women judges and magistrates had increased since 1984.

17. Concerning article 9, members sought clarification on laws determining the nationality of children.

18. With regard to article 10, they queried the reasons for the small use of family planning by Ghanaian women, and the respective roles of cultural patterns, economic necessity and low coverage of family planning services and education. Members asked what efforts had been undertaken in the area of school and community education on family planning.

19. Stressing the importance of literacy, members inquired about programmes carried out by the National Council of Women in Development to overcome shortages of books. A query was raised about the increase in the absolute number of females aged 6 and above who had never attended school. Members expressed the wish to know whether education was free at all levels. They wished more recent statistics on the number of child-care centres, as well as on their financial costs and asked whether the Government had considered lower cost alternative arrangements for child care.

20. Turning to article 11, members asked in which activities self-employed women were engaged. While the number of female employees was still low, they felt that a law guaranteeing equal opportunity at work for placement, promotion, retirement and working conditions would be useful. They also asked whether Ghanaian legislation for equal pay referred to "equal pay for work of equal value" or to "equal pay for equal work". With reference to general recommendation 17, they asked whether or not the Government had collected data on unremunerated domestic activities.

21. In relation to article 12, members inquired about information campaigns on the spread of the AIDS/HIV infection, sexual education at schools, promotion of preventive measures such as safe sex, programmes to train traditional midwives, and family planning education targeting men. Female genital mutilation was discussed and members asked whether there had been information programmes about the particular danger for women, as well as programmes to combat or at least reduce female genital mutilation. They also

wanted to know what the implications of reduced access to the health system in the context of economic difficulties had been for women and children. A query was raised about the percentage of female doctors.

22. In commenting on article 15, members asked about the number of single women and expressed the wish to know whether or not those women could find a job to support an independent life. Noting the coexistence of different types of laws, they requested more information on the number of women living under the different systems of legislation, and on the implication of traditional laws for the status of women. A query was raised about the possibilities of moving from one type of marriage to another and the right of women to choose which type of marriage they wished. Members also asked how the Government intended to deal with customary law in the long run, whether that could be done within one generation and whether the Government intended to give a priority to education. They also wondered whether changes in the status of women and children under customary law would be welcome. The initiative of Ghana to pass a law dealing with certain problems of women under customary marriage, in particular intestate succession and widowhood practices, was welcomed. Some members asked whether legislation had been passed to deal with wife-beating and questions were asked related to problems of maintenance and property rights of children under customary law.

23. In relation to enjoyment and disposition of property in article 16, members referred to succession patterns, and noted that new intestate succession laws did not seem to be observed. They wondered if all women, especially the younger generations, accepted customary limitations on a wife's right to her husband's property. They also asked for clarification about the reference made to "maternal inheritance to stool" in paragraph 57 of the report.

UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
LIMITED

CEDAW/C/1992/L.1/Add.3
23 January 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Eleventh session
New York, 20-31 January 1992
Agenda item 7

ADOPTION OF THE REPORT

2. Initial, second and third periodic report

Honduras

1. The Committee considered the initial, second and third periodic report of Honduras (CEDAW/C/Add.44, CEDAW/C/13/Add.9 and Amend.1 and CEDAW/C.HON/3) at its 193rd and 196th meetings, on 22 and 24 January (see CEDAW/C/SR.193 and 196).

2. In introducing the report, the representative of Honduras stated that recently many reforms had been carried out. As they were not yet reflected in the third periodic report, she was concentrating in her presentation on the developments that had taken place since the date of that report. She said that 60 per cent of her country lived in rural areas and that since 1977, the country had been suffering under accelerating socio-economic difficulties. Many women from rural areas were currently working for very low wages in the urban informal sector. Most rural women carried out unpaid domestic activities. Lack of firewood caused by deforestation and shortage in water supplies because of erosion and other factors had a direct impact on the status of women although the Government was making great efforts through the social compensation system to integrate more women in remunerative activities or to make them take advantage of educational and training programmes.

3. The representative stated further that her country had been the hardest hit by the HIV/AIDS pandemic in Central America. The highest percentage of HIV/AIDS cases were to be found among women and men in the age bracket of 16 to 35 years, which is the reproductive age. The Government was trying to educate public health officials through seminars and workshops. It was

carrying out general educational campaigns and provided training to women teachers regarding sex education and sexually transmitted diseases. The national AIDS control programme directed many medical and psychological support programmes specifically for women. In addition, there were national programmes regarding sex education and basic health needs specifically for rural women, including information on sexually transmitted diseases.

4. According to the representative, rural training activities were carried out with a view to integrating rural women into the productive process, and she mentioned that for the acquisition of land there was no distinction between women and men, whether single or married; the only requirement was Honduran citizenship. A Social Development Office (GADES), created in 1986, coordinated legislation relating to land ownership for women in rural and urban areas. Legal reforms, such as amendments to the Labour Code, the Penal Code and the Social Security Laws, were contemplated or in the process of being carried out, and efforts were being made to create consumer cooperatives to provide basic goods at compatible prices. The representative also mentioned a support programme within the social compensation programme for women in the informal sector and for marginalized women in rural and urban areas. Rural women were also beginning to get involved in environmental protection. Reforms of school textbooks were being carried out with the assistance of international agencies in order to eliminate stereotyping.

5. In general comments, members of the Committee expressed their thanks and gratitude to the representative of Honduras for being present and for introducing the report in such a sincere and informative way and for the additional information provided. They congratulated the Government on having presented a much improved third periodic report and expressed appreciation for the efforts undertaken by the Government despite the prevailing difficult political and economic situation and for the positive developments that had been taking place since the ratification of the Convention. It was evident that the Convention had a visible impact on the Government's policy to enhance the status of women and had led to the amendment of a number of laws in their favour. The experts also appreciated the measures undertaken by the Government to improve the lives of rural women, who had been involved in conducting agrarian reforms and were currently heading rural projects. However, members asked about the existence of a national machinery or similar body to promote the advancement of women, the dissemination of the Convention and its implementation. They were quite concerned at the magnitude of the problem of HIV/AIDS. They also felt that the Penal Code needed to be amended, in particular with regard to the provisions concerning the sentence for murder in connection with adultery. Another point raised by the Committee referred to the distribution of foreign aid that was often done by men's committees, and, consequently, did not cater to the needs of women. The question was asked whether and how women would be able to take part in the distribution of foreign aid funds.

6. Regarding article 2, members asked whether the assertion in the report that in connection with rape "the physical and organic damage and the moral trauma engendered in a 'male' victim may be more serious than in a woman" was

the result of a study or a prejudicial concept. They also inquired whether there were plans to reform the Penal Code with regard to the sanctions for the murder of a spouse for adultery, which amounted to only four to six years. The government representative was asked to provide the text of the law that gave women a preferential right over the salary, wages or income of their husbands.

7. On article 3, members observed that a change in legislation was not sufficient for combating discrimination against women. It was important to implement the related laws by concrete measures. Although the third periodic report made reference to a set of measures, there did not seem to be a plan of action behind them or a national machinery to carry them out. They also pointed out that the discrepancies in wages for men and women persisted and asked which programmes had been undertaken to eliminate that inequality.

8. Under article 4, members asked why so far no temporary special measures had been undertaken to ensure de facto equality between women and men. Further clarification was sought regarding maternity benefits, and the question was asked why maternity benefits were mentioned under article 4 of the Convention although that constituted a basic right.

9. On article 5, more information was requested on legislation to protect women against violence of various forms or other violations of human rights. Members asked whether support services, information and training programmes to face violence existed and requested statistics on the frequency of various forms of violence. Other questions asked were whether there were attempts to coordinate activities with women's groups and non-governmental organizations, what was being done to protect migrant women and whether there were special programmes for refugee women. More information was sought on legislation with regard to punishment of sexual harassment and its application.

10. Under article 6, more information was requested on the prostitution of minors, on the effectiveness of any related measures and the number of cases taken to court. Questions asked were how many and what kind of women engaged in prostitution and whether any plans existed to establish contact with non-governmental organizations to protect women from violence and abuse. It was noted that the report made no reference to AIDS programmes directed at prostitutes. Some members wanted to know whether female prostitutes received the same protection by law against violence and rape as other women.

11. On article 7, questions asked were what the citizenship status of Hondurans under the age of 18 was and whether the interdiction for active servicemen in the armed forces to exercise their right to vote did not constitute a discrimination of a certain section of the population.

12. Under article 9, information on the nationality rights of children was requested.

13. Regarding article 10, statistics were requested on the number of girls attending middle schooling and universities.

14. On article 11, clarification was sought about the long duration of maternity leave and its compulsory character, and the question was asked regarding whether the provisions contained in the Labour Code implied that women were considered intellectually and morally the weaker sex. Information was requested on any laws that guaranteed equality of women and men at the workplace, equality with regard to job assignment, salaries and career prospects. Members inquired about the number of women who attended professional training courses, about any actions undertaken by labour unions for guaranteeing equal employment opportunities for women and about the percentage of women in the labour force broken down by sector. A question was asked concerning the degree to which women participated in the production process and in which way they were protected against dismissal on the grounds of pregnancy. Questions were asked as to whether article 124 of the Labour Code referring to the prohibition of the termination of a pregnant woman's work contract did not, in practice, work against women, especially if women did not have the resources to resort to the courts.

15. On article 12, questions were raised about obstetric conditions of women, maternal and child health, family planning and contraception, about the results of any related health programmes, about statistics on clandestine abortions and on the number of deaths as a result of unlawful clandestine abortions. Another question asked was whether women were free to practise family planning and whether women were still reluctant to refer to health counselling.

16. Regarding article 14, clarification was requested on the thrust of the Government's programme for rural women. The question was asked whether they were treated as equal to men or simply as helpmates. Members inquired about the state of health of, and the health protection for rural women and about education in family planning. They asked whether there were programmes to encourage the establishment of agricultural cooperatives, which would be a way for women to become economically independent.

17. On article 15, the question was asked as to whether the new Family Code abolished the husband's right to decide on the conjugal residence or whether it did away with the husband being head of household. Experts also inquired whether there was a campaign in Honduras for the repeal of the provision regarding homicide in case of adultery.

18. On article 16, clarification was requested on the order of legitimate guardianship of minors, on the administration of the family patrimony within marriage and for the reasons for a higher marriageable age for boys than for girls. Members asked whether the legal provisions governing marital unions applied also to de facto unions and whether it was not counter-productive to imprison men for non-payment of alimony since that might further reduce the support to the family.

UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
LIMITED

CEDAW/C/1992/L.1/Add.4
24 January 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION
AGAINST WOMEN
Eleventh session
New York, 20-31 January 1992
Item 7 of the agenda

ADOPTION OF THE REPORT

Addendum

Barbados (195th meeting on 23 January 1992)

1. In replying to questions raised, the representative of Barbados said that, having noted the concern expressed by members of the Committee over the protective legislation in favour of women, so far there had been no complaints in that area. Replying to questions related to bigamy, she said that bigamy was a criminal act, although men had sometimes a married and a common-law spouse. For the section on tourism, she explained that almost an equal proportion of men and women were employed in the tourist industry; women were actively involved in the service, accommodation and promotional areas; the director of the Board of Tourism was a woman; and women were also managers of a large proportion of hotels and guest houses.

2. Turning to questions raised under articles 2 and 3, the representative said that attempts were being made to change the provision of section 23 of the Constitution, which dealt with the protection from discrimination, however without specifying sex. Referring to other questions, she said that the Convention was not directly part of national law and could, therefore, not be directly referred to by the courts. The office of the Ombudsman had been set up to deal with complaints surrounding the public service, which had been referred to it through recognized procedures, and it published an annual report on its work. Women could make use of the courts whenever their rights were curtailed. The National Commission on the Status of Women, which had been established in 1976, had completed its task in 1978 and had now been replaced by the National Advisory Council of Women. She circulated to the members of the Committee a document that had been prepared by the Bureau of

Women's Affairs for the Nairobi Women's World Conference in 1985 and which contained the 212 recommendations of the National Commission on the Status of Women. They had all been accepted and acted upon by the Government and constituted the basis for the National Plan of Action. Since 1970, there had been a Ministry for Women's Affairs, of which the Bureau of Women's Affairs formed a part. The Bureau, and several women's organizations as well, provided legal aid for women.

3. In replying to questions raised in connection with the large number of households headed by single women, she explained that they might be the result of a divorce, of a visiting relationship where the father bore the responsibility for the maintenance of the children, or of a union in which the father had abdicated his family responsibilities. She also said that historically the legacy of slavery had discouraged permanent family unions and marriage. In cases of divorce, reciprocal maintenance obligations existed for the spouse and the children, whereas in the case of visiting relationships women were mostly working outside the home and were assisted by the father and, if not, support could be enforced through the courts or obtained from the Welfare Department.

4. Regarding the issue of violence against women, as referred to in questions under article 5, she said that there was domestic violence and violence related to several offences committed against women and children of either sex. Any kind of violence was a criminal offence, the perpetrator was put under criminal law sanctions, and on the other hand, the assaulted victim could sue the perpetrator also in a civil law suit. The proposed legislation dealing with domestic violence, harassment and sexual offences had been recommended by the National Commission and was currently in the final stages of debate in Parliament. It allowed for counselling of the victim, the perpetrator and family members and for protective measures. She mentioned shelters for battered women, a telephone hotline crisis service and a mass-media programme and that efforts were also being made to collect gender-based statistics on violence.

5. On article 6, neither the Board of Tourism nor a university study of the phenomenon had concluded that there was a linkage between tourism and prostitution. Although she admitted that prostitution existed in Barbados, she said that it had not yet reached the proportions of "sex tourism". The Government and several agencies provided skills training for young women and thus provided employment prospects for them in order to prevent them from being drawn into prostitution. The conviction of a person under the Vagrancy Act was not left to the arbitrary decision of a magistrate, it was done following normal court procedures based on evidence as any other court case. Trafficking in women was not currently evident in the country, and the immigration department closely controlled any entries. Seminars were being held for preventing drug abuse by young people, and rehabilitation for drug offenders was available through the hospital services.

6. Turning to article 7, the representative said that women were indeed actively involved in politics and decision-making. They used their force and were politically very much aware, they canvassed and campaigned. The two main reasons for the low representation of women in Parliament were women's fear of disruption of family life through holding public office and the rigorous nature of political campaigning. For those reasons women hesitated to offer themselves as candidates for elections, and a quota system would not make any changes in the short term. She said that the Committee's pertinent observations on the low number of women in public office would be brought to the attention of the appropriate authorities. She added, however, that the head of State was a woman. Regarding the query concerning the high number of women's organizations, women chose the organizations to which they wanted to be affiliated; they identified issues of national concern and often initiated action. The Government provided subventions to women's organizations, which promoted the cause of women, and supported also a programme for furthering young women's careers. The umbrella body was the National Organization of Women, through which policy matters could be channelled for the attention of the Government.

7. On article 9, the representative reported that women's organizations and the Government were currently reviewing the law concerning citizenship.

8. Referring to article 10, she said that all schools, with the exception of three public secondary schools, were co-educational. Students selected the subjects they wished to pursue, and family life education was a regular feature in secondary schools and youth organizations.

9. On article 11, it was reported that by law there was equal pay for work of equal value; however, in practice that law was not strictly observed, like in other countries. She explained the four different pension schemes and said that the court decision in case of unfair dismissal on grounds of pregnancy might result in compensation or in reinstatement. She was unaware of complaints from pregnant job applicants. During the 12 weeks' maternity leave the employee received a full salary. The legislation concerning protective measures regarding safety and health at the work place applied equally to women and men. All women in case of need could resort to the Legal Aid Scheme, which had been established by the Government and was supplemented by a legal aid project for women funded by the Inter-American Commission of Women of the Organization of American States. Legal aid was free of charge for applicants unable to meet the cost.

10. Referring to article 12, she stated that termination of pregnancy was permitted by law in special circumstances prior to, and after 12 weeks' duration. Seminars were being held to educate young people, and contraceptive information and facilities were readily available. She also said that the HIV/AIDS scare and public information seemed to have led to a reduction in teenage pregnancies. Figures on the female mortality rate, which was very low, would be provided in subsequent reports.

11. Turning to article 13, it was reported that low-income persons were exempted from income tax. The provision according to which only the husband had access to children's allowances referred only to the filing of income tax returns and not to actual maintenance.

12. Under article 14, the representative stated that both rural and urban women were involved in agriculture; women could also own and operate their own farms and agricultural enterprises. Rural and urban children had equal access to school education.

13. On article 16, it was reported that the Family Law Act of 1981 recognized a common-law relationship to the extent that, on separation, the parties had an enforceable right to maintenance and property distribution. Children born out of wedlock were regarded as the children of both parents and had the same rights as children born within a marital union. The dowry system had never existed in Barbados. Divorce was based on the irretrievable breakdown of the marriage evidenced by a 12 months' separation. The Government provided counselling and reconciliation services. Support for children was normally offered up to the age of 18, but might continue depending on specific circumstances.

14. Members expressed their gratitude to the representative for having answered the questions. However, considering that Barbadian women scarcely participated in political life and there was no quota system to provide incentives, members observed that women were still utilized in political campaigns and that something had to be done to remedy that situation. The representative commented that the participation of women in political life was a relatively new phenomenon. As women were still hesitant to go into active politics, it would take some time to see significant changes in that respect. However, the strategies adopted by the Bureau of Women's Affairs and the consciousness-raising seminars were already showing positive results, which would be reflected in the subsequent periodic report.

15. Regarding a comment made on whether development aid reached women and women's organizations, the representative explained that women could have direct access to such aid through their organizations, provided that their project proposals were in harmony with the national development aid programme.

16. With respect to a comment made with regard to battering and rape, she said that not only the female victim could claim protection, but also a third party, who was a victim, or the perpetrator.

17. Members had asked for more information about the situation of female-headed households, but she said that it was certainly difficult for outsiders to understand that situation in the Caribbean. For centuries women had to handle the burden as a legacy of slavery, and they did it very well. The extended family was an essential family support mechanism. As, owing to current developments that support was fading away, the Government was trying to ensure regular day-care facilities, which should correspond to a set standard. She emphasized that the single female heads of households were not

disadvantaged. For instance, 60 per cent of all the mortgages were granted to women. She also mentioned a certain magazine that highlighted on a continuous basis the different roles played by women in society.

18. Referring to a request for clarifying the steps to be taken and the fields in which efforts should be concentrated to improve the status of women in Barbados further, the representative enumerated a number of areas in which assistance would be needed. The first one was to try to absorb the shock of the current structural adjustment situation, which would have negative effects, especially on female-headed households. Others were the problem of violence against women; the additional resources needed for carrying on the leadership training programmes for facilitating to women the entry into political life; and strengthening of the Bureau of Women's Affairs, which was faced with scarce financial and human resources. The Bureau also needed assistance for collecting and reorganizing statistical data and for doing research, especially as it was currently drawing on the university's support in that respect. Furthermore, help was requested from women's organizations to guide women and to motivate them to take strong actions and to get more involved in political activities.

19. In the concluding observations, the Committee expressed its appreciation for the content, the structure and the frankness of the report and its illustrative annexes. It demonstrated clearly the Government's political will to eliminate the obstacles to the advancement of women. The activities of non-governmental organizations to further the status of women had been noted. Considering the high percentage of women voters and the low participation of women in political life, members were satisfied to see that the Government relied on women and was conscious of the problems. All the points raised had well been clarified by the representative and the steps taken by the Bureau of Women's Affairs were specially welcomed. Members noted that the government offices were aware that prostitution in Barbados did not lead to sex tourism. They also noted that the high percentage of female single heads of households was due to historical reasons, but that none the less the Government was going to assist those women, especially in relation to the economic adjustment problems. They pointed out that the main fields of work of the Bureau required international assistance and hoped that foreign agencies and international organizations would help Barbadian women to overcome the economic crisis and assist the country in research on the effect of structural adjustment and women's lives. It would be gratifying if the international community could thus benefit from the findings. Special praise was given to the head of State.

UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
LIMITED

CEDAW/C/1992/L.1/Add.5
27 January 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Eleventh session
New York, 20-31 January 1992
Item 7 of the agenda

ADOPTION OF THE REPORT

Addendum

Ghana replies (combined initial and second periodic)

1. In replying to questions raised by members, the representative of Ghana stated that the lack of available data had made it difficult for the delegation to provide statistics on a number of issues.

2. Responding to general questions raised by members, she gave some clarification about the fundamental law governing Ghana since the suspension of the 1979 Constitution. Most of the general provisions of the 1979 Constitution had been re-enacted by the Provisional National Defence Council Law 42, which had suspended the Constitution. Answering a question on the increasing numbers of female-headed households, she said it was caused mainly by male emigration, male irresponsibility and the breakdown of marriages due to economic and other factors. An additional factor was that educated and economically independent women now desired to have had children out of wedlock.

3. Turning to article 2 and the question of the possibility of moving towards a unified system of law, she stated that there had been an ongoing effort to minimize the conflicts between State and traditional law. When such conflicts occurred, State law prevailed.

4. On article 3, in reply to a question on measures to encourage women to work outside their homes, she noted that Ghanaian women had always been economically active both inside and outside the home, until beyond the official retirement age of 60, because of the concentration of the labour force in agriculture and the informal sector.

5. Answering additional questions under article 3, she provided the Committee with information on the Ghanaian National Machinery for the Advancement of Women. The National Council on Women and Development was an autonomous government agency that reported to the Government. Its budget in 1992 was about $400,000. A 15-member Council supervised the work programme of the organization. The Council included both male and female members and representatives of key sectoral ministries, and was chaired by the Ghanaian expert currently serving on the Committee. Current activities were carried out by a national secretariat, of which she was the head. The national secretariat has 10 departments, in charge of plans and policy analysis, human resource development, aid and project coordination, research, statistics and management information, finance and administration. There were regional and district offices. The National Council on Women and Development was increasingly working with and through NGOs and coordinated their efforts. Its major concerns included awareness-raising for women and for society as a whole, increased visibility of women in public and political life, increased government support to the private sector and maximization of funds available to women's groups engaged in gender-specific activities.

6. Regarding article 4, she said that the Government had no stated position, but was willing to institute temporary measures when necessary. She gave examples, such as the allocation of seats to women and women's groups in the Consultative Assembly, which was drafting a new Constitution for the country. In reply to a question on the time-frame for a revision of legislation discriminating against women, she noted that there was no stated time-frame but the interest of the Law Reform Commission and other bodies gave hope that the action would be taken on the matter as early as possible. Subsequent revisions could be expected given the goodwill of the Government, illustrated by its acceptance of the National Council on Women and Development's proposals for the new draft Constitution. Discrimination was however embedded in the substance of the society, and not only in its laws.

7. On article 5 and questions asked by the Committee on widowhood rites, she informed the Committee that widowhood rites varied from one ethnic group to another. She gave examples of such rites, which included physical offences, sharing the heads of widows and insults by the family-in-law. There had been cases of women successfully contesting such offences in court. Answering questions on actions taken to combat such rites, she said that there were vigorous campaigns on the part of the Government, the National Council on Women and Development and NGOs, for ethnic groups to abandon such practices. Educational campaigns on that matter were directed at both men and women. Several male traditional rulers had accepted the legislation on widowhood rites and subsequently issued edicts. In reply to a question on the statistical frequency of violence against women, she stated that, while the incidence of such rites was acknowledged in Ghana, it was at present difficult to obtain reliable data on it due to sociocultural and economic constraints. On whether the Government had a plan to eradicate traditional practices harmful to women, she mentioned the National Council on Women and Development's medium- and long-term plan to strengthen measures to change such practices. Turning to stereotyping and a question on governmental support to

NGO campaigns against it, she mentioned that the Government had over the years supported NGOs through the allocation of subventions. No statistics were available on the amounts involved. In reply to a question on the success of campaigns to change the moral values of society, she recognized that the programmes had been moderately successful and that efforts were being pursued throughout the country. She also noted that the ideas and realities about women's traditional dependence on men were slowly changing as a result of women's increasing role in the economic maintenance of the household. Turning to a question on women's perception of their situation under traditional law in general, she mentioned that studies being undertaken by the Government, the National Machinery and universities on that issue revealed women's displeasure with several of the traditional practices. In response to the Committee's queries on the situation of women in matriarchal communities, the representative stated for the record that any reference to "matriarchal and patriarchal" in the report should read "matrilineal and patrilineal". Matrilineal inheritance occurred in Ghana essentially under the "patriarchal system of control", which actually limited the rights of women. Around 40 per cent of the population was under the matrilineal system, and 60 per cent under the patrilineal.

8. As regards prostitution under article 6, she informed the Committee that research had been carried out on its causes. It was often economic necessity that pushed many women into prostitution. Longer-term measures to reduce prostitution had included programmes to encourage unemployed women to attend training courses and school programmes to increase future economic independence. On the prevention and treatment of HIV/AIDS among prostitutes, she mentioned educational programmes carried out in particular by the Ministry of Health, the National Council on Women and Development, NGOs and church groups. There was also a national programme to provide prostitutes with contraceptives.

9. She answered the Committee's question on the efficiency of legislation against trafficking in young women by indicating that, due to the nature of the problem, it was difficult to ensure the effectiveness of legislation in that respect. However, the law did not spare culprits. On a question on programmes addressing trafficking in young women, she pointed out that Ghanaian consulates provided services such as legal aid and repatriation to women victims of prostitution or trafficking. Such services were however provided only for cases brought to the attention of the consulates, which represented limited numbers, owing to the fear of repatriation or the preference for avoiding official interference in personal matters.

10. On article 7, she answered a query about practical measures to increase women's participation in public and political life, stressing that educational activities and awareness programmes had been carried out by the National Council on Women and Development and NGOs to pursue that goal. In reply to a question on the allocation of development aid, she stressed that aid coordination in Ghana was undertaken by the International Economic Relations Division of the Ministry of Finance and Economic Planning, where a number of women served in very high decision-making positions. The National Council on

Women and Development was also represented on a national body coordinating decisions on the allocation of aid, and had a unit especially in charge of ensuring that women benefited from donor assisted projects.

11. Regarding article 8 and the clarification asked about the nationality of the child, the representative referred to the Provisional National Defence Council Law 42, which had suspended the Constitution. It stipulated that a person born in Ghana would become a citizen of Ghana if either of his parents or grandparents was or had been a citizen of Ghana. A person born outside Ghana would be a citizen of Ghana if either of his parents was a citizen of Ghana. A child below 16 years of age could obtain Ghanaian nationality through adoption by a citizen of Ghana.

12. Turning to article 10 and the question of the limited use of family planning, she explained that the low use of family planning was due to the high premium placed on child-bearing and the fact that many rural families needed large families for economic activities. Family planning education was readily available and programmes had been implemented by a number of national and international agencies to sensitize society to the advantages of birth-spacing and smaller families. On education and literacy, she confirmed that tuition was free at all levels. Answering a question on the increased number of girls aged 6 and above who had never attended school, she pointed out that the proportion of uneducated girls had been decreasing, while the absolute numbers increased. She also indicated that the economic difficulties had forced many parents to withdraw their children from school and introduce them to small trading on local markets. In answer to a question on actions to provide reading materials to the Ghanaians, she pointed out that such material in English and major local languages had been designed and produced as part of the efforts to eradicate illiteracy. A newsletter by the National Council on Women and Development, textbooks and other reading materials for basic or other types of education were also available. In reply to a question on child-care, she pointed out that creches sponsored by individuals or groups of individuals complemented those sponsored by the Government and NGOs. The latter tended to be cheaper than the former, since they received subsidies. Extended families continued to play an important role in child care.

13. On article 11 and a question on self-employment, she mentioned small-scale industries such as food-processing and crafts, agriculture and petty trading as some of the main activities involved. Referring to the members' views that a law guaranteeing the rights of women at work was necessary, she said that the Labour Decree and Industrial Relations Act provided among others for maternity leave and job security during pregnancy. ILO Convention on underground work had also been ratified. Answering a query about equal pay for work of equal value, she informed the Committee that the legislation of Ghana referred to "equal pay for equal work". On the issue of measurement of unremunerated housework, she said that the Ghanaian Statistical Service was working to improve its statistics on the gross national product (GNP) and particularly on household income.

14. In relation to article 12, she answered members' questions on programmes for the prevention of AIDS. Such programmes were being implemented by the Ministry of Education, the Ministry of Health and religious organizations. Turning to the Committee's concern to combat against female genital mutilation, she stated that considerable efforts and resources were being put into that area by the Government and the National Council on Women and Development. They included educational programmes on the harmful effects of genital mutilation, seminars and discussions. NGOs were also active in the field, and she gave the example of the Association for Women's Welfare, which had it as one of its main priorities.

15. Answering questions under 16, she gave clarifications on the situation of single women. Their number was difficult to estimate but it was clearly increasing. As regards their ability to earn an independent living, she noted that they were free to engage in any remunerative activities.

16. Turning to questions on the coexistence of different systems of law related to marriage, she brought several additional elements of information. Women were largely free to opt for the marriage of their choice. Answering a query about legislation on wife-beating, she said that, while it was generally condoned in traditional society, it was an offence punishable under the Criminal Code.

17. She answered a question on actions to increase awareness about the intestate succession law. There were a number of educational programmes being carried out by the National Council on Women and Development throughout the country. For example posters had been distributed to encourage women to make a will. In addition, legal literacy programmes were conducted by NGOs and international organizations. In response to the Committee's request, she clarified the concept of "maternal inheritance to stool". When a chief died in a matrilineal society, she explained, the throne (stool) was given to his sister's son, or if he did not have a sister, to a maternal cousin's son.

18. In concluding, the Chairperson expressed the appreciation of the Committee for the frankness and openness of the report on Ghana. The Committee praised the efforts made to organize the report and to present numerous aspects of the situation of women. That was especially laudable because Ghana was a developing country. The report and the discussions had showed that problems still faced by women in Ghana were related to tradition and customary practices. The Committee noted with great appreciation the efforts made to review the codes. Illiteracy remained one of the problems still faced by women and was linked to social, cultural as well as historical situations. The Committee noted the lack of statistics and the attempts made by the Government of Ghana to provide more statistics on different aspects of the situation of women. The Committee praised the programme of the National Council on Women and Development to overcome discrimination against women, and particularly the efforts to increase the number of women in decision-making positions and to raise awareness. It stressed the importance of the Government's support for that programme and noted the fact that there was awareness of the problems faced by women by those in charge of their fate.

UNITED
NATIONS

CEDAW

Convention on the Elimination
of all Forms of Discrimination
Against Women

Distr.
LIMITED

CEDAW/C/1992/L.1/Add.6
28 January 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Eleventh session
New York, 20-31 January 1992
Agenda item 7

ADOPTION OF THE REPORT

Addendum

2. Second periodic reports

1. For the consideration of second periodic reports, the Committee followed the procedure it had initiated at its ninth session, i.e., that a pre-session working group would prepare lists of questions relating to the second periodic reports that would be considered at the session. Accordingly, the pre-session working group for the eleventh session of the Committee prepared such lists for six countries: China, Czechoslovakia, El Salvador, Spain, Sri Lanka and Venezuela (CEDAW/C/1992/CRP.2). They were transmitted in writing to the government representatives to invite them to prepare their replies before the meetings. The lists reflect the ideas and views of the members of the pre-session working group as well as those of various members of the Committee, who had submitted contributions to the group. The Committee agreed at its 196th meeting, on 23 January 1992, that the questions prepared by the working group would be included in the report of the Committee.

China

2. The Committee considered the second periodic report of China (CEDAW/C/13/Add.26) at its 196th meeting, on 23 January 1992. The list relating to this report contains the following questions:

"1. Questions of a general nature

"The structural reform of the Chinese economy has generated a spectacular increase in national productivity, enabling GNP to attain an average annual growth rate of 11 per cent. This economic development

will engender a considerable social development. The Human Development Report 1991, issued by UNDP, emphasizes the reconsideration of priorities and maintains that funds allocated to key sectors, such as basic education, primary health care, supply of potable water to rural areas, family planning, food subsidies and social security, genuinely promote sustained and equitable human development.

"What percentage of its GNP has China allocated to social development and human resources?

"2. Progress achieved

"Adoption of laws and regulations intended to strengthen democracy, improve the existing legal system by promoting greater equity and establish new relationships between members of the family based on equality, the sharing of responsibilites and human dignity, especially that of women.

"Accordingly, the laws on succession and marriage confer the same rights and duties on men and women, without discrimination. However, for a woman to be able to conduct her family life in a responsible way and in an equal partnership, she must first have been entitled to education, which is a prerequisite for all equality and all development, and to work that will reflect its specificity.

"The Chinese Government has provided the regions with laws to reform the educational system. Education is now compulsory and free of charge for all children. Laws also guarantee women employment.

"Despite the efforts and positive measures to promote equality, some difficulties subsist; these are due primarily to the cultural bias still shown by Chinese society towards women.

"To what extent are women informed about new provisions and to what extent do they have access to courts or to other remedies to enforce them?

"3. Analysis of the situation article by article

"Article 2

"1. The Act concerning public enterprises, 1988, states that male workers (it does not refer to female workers) have the right to participate in the democratic management of their enterprise. Do women workers participate to the same extent as men?

"2. Paragraph 11 of the same Act states that enterprises must fully exploit the potential of young male and female workers. What is meant here by the word 'exploit'? Does it perhaps mean 'use'?

"3. As regards local laws and regulations, give some specific information about equality of women in promotion, remuneration, the allocation and construction of housing in rural areas.

"4. What measures are taken to protect widows and to ensure their economic independence?

"5. What is the composition of the special group established to study and elaborate laws protecting the rights and interests of women? How are its members elected? Of the 13 members, only 2 are women selected from the All China Women's Federation (ACWF). Why?

"Article 5

"Are there education and media programmes to project the positive images of women rather than to reinforce stereotypes?

"Violence (articles 2, 5, 11, 12 and 16)

"1. What information is there about the level of violence against women in China?

"2. What measures have been introduced to protect women from violence, abuse and exploitation?

"Article 6

"Prostitution exists, even though it is prohibited. Are women who prostitute themselves punished? What are the radical measures which the report refers to as designed to terminate prostitution?

"Article 7

"1. The Chinese National People's Assembly is the body with supreme State authority. Women's share of representation in Parliament at 15 per cent is higher than average. Are women parliamentarians able to act effectively with respect to parliamentary bills; can they modify them? Do they form a group in Parliament? Have they already proposed a parliamentary bill concerning women? If so, which one?

"2. How many women have seats in the people's assemblies (percentage)? Are some regions more willing than others to vote for women, now that the number of candidates exceeds the number of seats at the time of the elections?

"3. How many women members are there in the Communist Party Central Committee, in the Central Advisory Commission and in the Standing Committee of the National People's Congress?

"4. What steps have been taken to ensure equal representation?

"5. Key economic legal and political posts are still filled by men; only three such posts, or 1.4 per cent, are filled by women. Obviously, women can only influence and change matters if they reach the decision-making level; what is ACWF doing about this? Is ACWF consulted about women's appointments or promotions to important posts? Does ACWF play a role in the deliberations and decisions concerning problems which affect the future of the country in economic, political, cultural and social matters? To what extent are other groups or individuals consulted on these matters?

"6. How does one become a member of ACWF?

"Article 8

"What is the percentage of women in the diplomatic corps?

"Article 10

"The illiteracy rate for women is still high (70 per cent) despite the efforts of the Chinese Government. What efforts are being made to lower this rate and to stop girls from dropping out of education? Statistics from the Human Development Report: Female enrolment when compared with male enrolment reveals the inequalities. For the year 1987/88 the figures are as follows: primary - 97 per cent; secondary - 74 per cent; higher - 55 per cent; since the total enrolment in higher education is 1.7 per cent, the rate is still very low.

"1. Are measures such as reprimanding or fining parents who do not comply with the law on compulsory education effective to ensure that girls complete their education?

"2. Are there differing entrance requirements for women into tertiary institutions?

"3. Do girls and women have equal access to sport and physical education in both urban and rural schools?

"4. Has the educational reform affected school textbooks? Has women's image been enhanced?

"Article 11

"1. Is the principle of equal pay for work of equal value applied in all areas of economic activity? Have you encountered any difficulties in applying it?

"2. Employment of women rose from 67 per cent in 1970 to 70 per cent in 1990, while during the same period employment of men fell from 90 per cent to 87 per cent. The 3 percentage points lost by men were gained by women. What is the reason for this?

"3. Do self-employed female workers have difficulty in becoming integrated into the system, and what is ACWF doing to help them?

"4. Women head enterprises in the rural areas. More than one third of the specialized enterprises are headed by women. In which segment of economic production are these activities undertaken?

"5. What actions are taken by women in the case of wrongful dismissal? Are they protected by the trade unions?

"6. What complaint and enforcement procedures have been instituted by the State in order to combat discrimination? Can women have recourse to courts or other institutions if they are discriminated against?

"7. Piecework, which is generally done at home, and flexible working hours are sought by women. What prompts women to choose this kind of work? And in what numbers?

"8. In order to guarantee women employment, the public authorities endeavour to give them proper vocational training before and during their employment, so that they may be more competitive in the labour market. During employment, what incentives are offered by the Government to encourage heads of businesses and factories to enrol more women in training courses? Compared with men, what percentage of women benefits from such incentives?

"9. Article 11 of the regulations on security of employment states that services employing a large number of women should gradually establish an infirmary, a room for rest, a room for nursing infants, a crèche and even a kindergarten. This is a step forward, but how is it perceived by the employers? How many are required to implement this reform? Will it not discourage the employment of adequate numbers of women in the enterprises?

"10. For how long is unemployment assistance provided to workers who have been dismissed by bankrupt enterprises? What provision is made for health care, social security and pension for unemployed people?

"11. Are women participating in the preparation of the new labour code?

"12. Do any measures exist to deal with sexual harassment?

"Article 12

"The integration of family planning services into basic maternal and child health services will mean that the problem can be tackled as a whole. The receipt of material and technical assistance from UNFPA has enabled China to identify the risks of reducing the mortality and morbidity rates for infants and mothers and to introduce in China the production of more effective modern contraceptives which meet more reliable control and quality standards. It has also enabled Chinese

researchers to carry out studies to diminish the adverse effects of certain products on women's health.

"1. The Tianjun Listang pharmaceuticals factory manufactures approximately 3.5 million Norplant subdermal contraceptive implants. It has been shown in some studies that this product endangers the health of women. Are there studies to monitor the effect of this drug on women's health?

"2. What is the status of the UNFPA-assisted project that advocates the information, education and communication (IEC) method? Who is responsible for implementing the programme? Women's organizations? Family planning services? Public health services?

"3. Participation of men. We know that in a number of developing countries the decision to use any particular contraceptive method is taken by the man. He decides for the woman yet does not feel concerned.

"(a) Are there programmes for men?

"(b) What methods are you using to sensitize men to the usefulness of becoming more involved in family planning and using reliable methods such as vasectomy or condoms when the health of the wife does not permit her to use contraception? Article 2 of the Marriage Act makes no distinction, since it states that the spouses are obliged to practise family planning.

"4. The population policy of China will cause considerable changes in Chinese society:

"(a) Ageing of the population; 10 per cent of the population will be over 60 from now until the year 2000 (made up of 109 women/100 men); this will give rise to problems of subsidies and care. What roles are there for Chinese women?

"(b) Will the policy of the single child, and the preference for boys, cause the number of women to diminish gradually and therefore create an imbalance?

"5. What programmes are there to encourage preventative measures to be taken in regard to AIDS?

"Article 13

"Which welfare organizations are concerned with the aged, the solitary and the handicapped?

"Article 14

"1. Does the contractual management system enable rural women to embark on activities other than agriculture to develop the communal economy?

"2. What products are produced for export by Chinese women and how are they advised in this work?

"3. Why does the level of pension of retired women in rural areas vary according to the level of development of the region in which they live?

"4. In practice, do women have equal access to land use? What are the requirements?

"5. Commendable efforts are being made to provide potable water, together with sanitation and electricity, to all the inhabitants of rural areas. Yet some areas are still without these basic necessities, and the women suffer more than anyone else because of this situation. What percentage of the population still lacks these necessities? Are additional resources being allocated to improve the situation?

"Article 15

"1. How have the laws been promoting the family and women? Could examples of the interpretation of these laws be given?

"2. Do women judges contribute to a favourable interpretation of legislative texts?

"Article 16

"The divorce rate has gone up, and 80 per cent of the applications for divorce are submitted by women on the legal ground of lack of affection. The report attributes this situation to the social progress that followed the opening up of China's economy.

"What measures are there to ensure that men and women are aware of their joint responsibility vis-à-vis the family and society and of the danger incurred by children owing to the very high divorce rate and what provisions are there for counselling and conciliation?"

Replies of the representative of China

3. The representative of China stated that since the report before the Committee had been submitted by his Government in 1989, covering developments from 1983 to 1989, and since further changes had occurred since then, he would like, first, to introduce supplementary information. He stated that the eighth five-year plan for national economy and social development had started in 1991. The overall situation in China had created favourable conditions for the smooth implementation of the Convention and he pointed to the following

new laws and regulations: the law on the protection of the rights and interests of women had been drafted and it would be before the fifth plenary of the Seventh National People's Congress later in 1992 for approval. A regulation by the Ministry of Labour and Personnel on the postponement of the retirement age of senior women experts enabled them to retire at the age of 60. Firm measures were being taken against various criminal acts infringing upon rights and interests of women. The Government had also formulated a decision on the strict prohibition against prostitution and whoring and a decision on the severe punishment of criminals who abduct and traffic in or kidnap women or children, both having legal effect. Articles on the protection of women were contained in two new laws that had taken effect in May 1991 and January 1992 respectively, namely the law for the protection of disabled persons and the law for the protection of the underaged.

4. The stipulations covered women's rights of participation in politics, in employment, education, marriage and the family, and of the person, thus making the protection of the rights and interests of women more systematic and comprehensive. The actions of the central Government had received positive support at the local level, and some 31 provinces, municipalities and autonomous regions had formulated local regulations. The Chinese Government had also launched new activities for legal education.

5. Concerning women's participation in politics, vigorous efforts undertaken by the Government together with ACWF had proved to be very effective. In elections of deputies to the people's congresses at county and township levels in 1990, the average percentage of elected women had reached 21 per cent, with a peak of 25 per cent.

6. With regard to women in rural areas, the representative pointed out that 80 per cent of Chinese women lived in rural areas and women accounted for 50 per cent of the total rural labour force. A campaign, with the participation of some 10 ministries and other bodies, had been launched in 1989 for rural women to "learn to read and write, learn techniques and skills, emulate in achievements and emulate in contributions" to help women improve their qualifications and skills to fight poverty. Activities included: emulation drives of various professional skills, to teach women one or two professional skills and to eradicate illiteracy. Some 120 million women had participated, and the overwhelming majority had mastered one or two practical skills; 2.8 million women had overcome illiteracy; and 240,000 rural women had become agricultural technicians through educational courses.

7. In connection with the WHO campaign "health for all by the year 2000", China had put women's health care into the plan for primary health care with an emphasis on the countryside. One of the targets was to reduce the mortality rate of pregnant women and post partem mothers by 50 per cent. The network of maternal and child health (MCH) would be strengthened, and health care for rural women would be improved. Special attention would be paid to the training of country medical workers in basic preventive skills.

8. The representative then replied to the questions prepared by the pre-session working group.

9. He informed the Committee that China's GNP in 1990 amounted to 1,768.61 billion yuan renminbi. The national financial revenue was Y 331.26 billion. Social development and human resources expenditures were as follows: Y 22.18 billion on agriculture production assistance; Y 61.73 billion on education, culture, science and public health; and Y 5.5 billion on pensions and social relief. In a general question asked by the Committee on article 2 he said that China was engaged in its second five-year programme to disseminate legal knowledge and legal education. The focus was on 10 laws, including the Constitution, the marriage law, criminal law and civil law. Some 300 million women had participated in relevant activities in the first five-year period.

10. He stated also that the Act concerning public enterprises referred to workers, meaning both men and women, and that the potential of young workers should be given full play. Examples provided on the local laws of Beijing, Tianjin and others illustrated equality in, inter alia, promotion and remuneration. Also, an Act of Liaoning Province stated that women and men workers enjoyed the same rights to the allocation of houses, thus changing the past practice whereby only men were entitled to houses. Women, including widows, enjoyed rights in terms of economic independence, and violators would be punished in accordance with the law. The Working Group on Women and Children was mostly composed of women from judicial circles, and those in charge of women's and children's work.

11. On article 5, the representative stated that in recent years, China had witnessed an increase in the use of women's images in advertising. A recent seminar had focused on the role of the mass media in enhancing a positive and new image of women who enjoyed self-respect, self-confidence, self-independence and self-improvement.

12. On violence against women (articles 2, 5, 11, 12 and 16), the representative stated that it had not been a serious social problem in China. Respect for women's dignity was stressed by the Government. Forms of violence were: rape, beating and maltreatment of wives by their husbands, forced prostitution, kidnapping and abduction of women. Criminal and other relevant laws dealt with the matter. Rape was punished by imprisonment or death, depending on circumstances, maltreatment either by imprisonment or public surveillance and abduction by imprisonment, confiscation of property or death, depending on the severity.

13. On article 6, it was stated that Chinese law explicitly prohibited prostitution and forms of punishment include detention, warning, making confession in writing, education through physical labour or fines. If misdeeds were crimes, criminal law applied. The punishments for those who lured women into prostitution or profited from operating brothels were prison terms, detention for labour or surveillance. Pimps might be sentenced to 10 years or life imprisonment. Prostitutes and their customers might be rounded up to be provided with legal and moral education. They might be required to engage in productive labour. Treatment for venereal disease was compulsory. Steps taken to eradicate prostitution included economic development, ideological education and strengthening of legislation and law enforcement.

14. On article 7, the representative provided information on the percentage of women in governing bodies: 634 deputies (21.3 per cent) in the National People's Congress; 16 members (11.6 per cent) in the Standing Committee of the National People's Congress; 2 vice-chairpersons (10 per cent) in the Standing Committee of the National People's Congress; 10 members (6 per cent) and 12 alternate members (11 per cent) in the Central Committee of CPC; and 1 woman member (0.5 per cent) in the Advisory Commission of the CPC Central Committee. Efforts to increase women's participation included training and education for women to enhance their capabilities, and of the society at large to eradicate traditional thinking and behaviour. One of the main tasks of ACWF was to promote the participation of women at all levels and in all spheres of public life. There were currently three women ministers in China (7.3 per cent of the total) and 11 vice-ministers. The representative stated that the percentage is still far from satisfying. The Chinese Supreme Court had one woman vice-president. In recent years ACWF had been recommending women for high-level posts. He explained that ACWF was a membership organization composed not of individual members but of organizations. All adult women were potential associates of the Federation. Membership could be obtained through the filing of an application and by accepting the Federation's constitution.

15. On article 8: China currently had 1,314 women diplomats, or 26.9 per cent.

16. On article 10, the representative first clarified some numbers. China currently had a total of 180 million illiterate persons, of whom 70 per cent were women. In 1989, attendance by females in primary, secondary and tertiary schools was 46, 41.4 and 33.7 per cent of the respective total numbers; 97 per cent of school-age children attended school and the attendance rate for girls was 95 per cent. Measures to eradicate illiteracy included: long-term anti-illiteracy campaigns, increased funding and the creation of better conditions for schooling girls. The same recruitment standards for universities applied to males and females. Physical education was compulsory in China. Textbooks had always been based on principles of sexual equality and women's positive images.

17. On article 11, the representative stated that the principle of equal pay for equal work was applied in China. He said that the increase of the percentage of the female employment did not mean that women had taken the jobs of men. Women's federations assisted self-employed female workers mainly through legal advice. Some rural households owned by women in traditional farming were specialized in the breeding of animals, poultry and fish, processing, handicrafts, trading and services. Trade unions and the labour department could hear complaints concerning wrongful dismissal. Discrimination cases might be brought before the courts or to administrative departments. In China, all employed workers were requested to receive occupational training. Under a plan that ended in 1990, 37.4 per cent of the trainees were women. Various measures were in force to ensure basic living needs of staff of bankrupt enterprises, including unemployment subsidies of up to a total of 24 months, and retraining of workers. Women from trade unions

and women's organizations participated in the formulation of the new labour code. Sexual harassment was not a major problem in China, and judicial and administrative organs were called upon to solve cases on a case-by-case basis.

18. On article 12, the representative informed the Committee that the project referred to in the question had not been executed. Some implants had been bought for trial use and monitoring. China was developing its own similar product. Given the attention allocated by the Chinese Government to the health care of women and children, great progress had been made over the last four decades, and infant mortality rates had been greatly reduced. A public information and education campaign on population issues had been implemented since 1979 with UNFPA, the State Commission on Birth Control, the State Education Commission and the Ministry of Health. Birth control was the duty and obligation of both husband and wife. The elderly were revered in China. The Government had adopted various measures, including social insurance and welfare, free medicare and health care, for the elderly. There were elderly-oriented schools and recreational centres. The policy of encouraging couples to have only one child, in effect since 1979, had led to an increase in one-child families. In 1988, 52.22 per cent of families had one child, 32.41 per cent had two and 15.37 per cent had three or more (in 1970, the numbers were 22.73, 17.06 and 62.21 per cent respectively). The sexual ratio in 1988 was 106.8 males to 100 females (in 1970 the ratio was 105.5 to 100). The representative stated that that showed that the one-child family policy had not resulted in a sex imbalance of the population. Cases of AIDS had been detected in recent years in parts of China. Since 1985, over 600 patients had tested HIV positive. Although the infection rate was still low, China had adopted specific measures to prevent and control AIDS, including public education on the prevention of AIDS.

19. Coming to article 13, the representative said that the elderly, the widowed and the handicapped were the concern of the whole society. The civil affairs agencies, and those in charge of labour, education and health, as well as mass organizations such as the federations of the handicapped, women and youth offered a variety of assistance and services.

20. With regard to article 14, the representative stated that the reform of the economic system in China's rural areas had changed the pattern of production of primarily grain into a comprehensive development of agriculture, forestry, industry, trade, etc., thereby also creating favourable conditions for women to engage in a variety of new tasks. Women had become workers in local enterprises which had partially introduced the contract labour system, which closely linked the quality of work with remuneration, thereby also improving efficiency and providing incentives for workers. Rural women had made tremendous contributions to the revitalization of China's rural economy. Women's export products included foodstuffs, farm produce, fruits, garments, toys and electronic appliances, which were generally ordered and therefore had a solid market. Pensions for China's peasantry were not provided by the State. Whether there was a pension fund to provide pensions and other social benefits to its peasants, depended on the development level of the collective

economy in each place, and adequate collective savings of the rural collective. Rural collectives allocated land to peasants on the basis of the size of the family with no prejudice to their sex. Various ministries were involved in the effort to provide tap water. No numbers were currently available to the representative on the matter.

21. On article 15, the representative said that the Constitution stipulated that marriage and the family were protected by the State. The marriage law, containing freedom of marriage, monogamy and equality between men and women, had been promulgated twice. The law also enabled women's equal participation in social development. On the second question, he stated that it happened, but not necessarily.

22. Coming to article 16, the representative stated that family ties in China had always been stable. Although on the increase, the rate of divorce was a mere 5-7 per cent. The fact that women did initiate divorces was a demonstration of the breaking of the bondage of feudalistic ideas, he said. The focus, however, was on harmonious relationships, and efforts were made to assist couples in difficulties through advice and mediation. In handling divorces, the Government and society as a whole attached importance to the protection of the legitimate rights of women and children.

23. Members of the Committee thanked the representative for the detailed answers provided to the numerous questions. The Chinese Government and ACWF were congratulated for the effort and the progress achieved in implementing the Convention.

24. Additional clarification was sought on a number of points, including the following: on the political participation of women, it had been stated that training was used to enable more women to participate in the political process. The expert wondered whether that was not an old-fashioned, macho approach of the "undertraining" of women, since men did not have to go through such special standards. One expert also wondered why it was necessary to have new local rules protecting women who gave birth to girls. Concerning the efforts to combat illiteracy, one expert pointed to the existence of mobile schools in autonomous regions. She asked which language was being taught in Tibet. It was also asked if the measures described under article 12 had been freely accepted by the population, or if the Government had taken stronger measures. On the subject of social security, it was pointed out that the differences that exist between various regions' development levels were not in line with the aspired egalitarianism. One expert noted that things were moving very slowly and that political will alone was not enough to reach equality. The social infrastructure and the economic situation of the country should develop also, otherwise there was not the right framework for a solution to the equality issues. It was also noted that it was apparent that the stereotyped social patterns still prevailed in China and clarification was sought on the issue of equal pay for work of equal value. Another expert asked whether the representative agreed that women's tertiary education was essential for the larger participation of women. It was asked whether women's participation was a priority of the movement for democracy. Referring to the

representative's statement on the issue of sexual harassment that "this is not a problem" in China, an expert asked if that statement had less to do with the absence of harassment and more with the lack of adequate structures to point it out. One expert also asked to what extent the Government was satisfied with the changes in women's lives, and what approach was used to assess the status of women. Another question was related to ACWF funding.

25. In further discussion, some experts asked whether it was possible that the third periodic report could be broken down by regions to give a better picture and to make it easier for members to understand the issues involved due to the vastness of the country. It was also asked whether women were prominent in the dissident movement, whether gender was an issue and whether women were still detained or restricted in their freedom to travel. Concerning the low numbers of women in high political bodies (the Council), one expert pointed to structural problems rather than to the lack of education of women, and she asked whether the Government had set quotas for women.

26. In response to a number of follow-up and additional questions, the representative of China said that in accordance with the saying that women held up half the sky, women played very important roles in family and society. Due to cultural constraints, the current situation was not fully satisfactory, and tremendous efforts on a long-term basis were still required to eradicate the remnants of inequality. To that end, the Government had embarked on clear-cut policies and directions. He reiterated that the one-child family policy had been quite successful, and it was in line with the common interest of the population. Implementation was more successful in urban areas and among the better educated groups of the society. There were distinctions in the enforcement of the policy, in particular with regard to minorities and areas with lower population density. Regulations stipulating the protection of women with girls existed, but only in some areas where feudal influences, i.e., the preference for boys, still persisted. He stated that the Government had mainly carried out education and training for prostitutes. Concerning the use of language in Tibet, he stated that as stipulated by the Government of the Tibetan Autonomous Region, the people of the region had the freedom to develop and use their own language. A 1978 regulation adopted by TNC stipulated the equal importance of both languages, with Tibetan being the principal one. Tibetan was the main language being taught in schools and universities in the region.

27. The representative went on to elaborate that objective reality had forced both spouses to participate in household chores, but that one could still see the traditional division of labour in rural areas, although the situation was changing. On the issue of whether equal pay for work of equal value should be applied, he replied in the affirmative equal work. He further said that the Chinese Government respected dissidents in having different political and religious opinions. It did not discriminate against such persons. He pointed to the example of a woman journalist who had written many articles critical of the Chinese Government in the People's Daily, and who had recently been granted the opportunity to go to the United States of America to study. Concerning the so-called model daughter-in-law award, he said that his

Government promoted good family relations for social progress. The emphasis was on respect for the old, love the young and respect among the spouses and on equality. He agreed with the importance of international cultural exchanges among women, and education for girls. ACWF received its funding mainly from the Government and partly through donations.

28. He also stated that his Government would carefully study the point raised by some members, namely to have the third periodic report provide information broken down by region. As the experts had stated, China was a very big country, and it would be interesting and useful for the experts to receive information by region. It had been indicated by experts that that might also be of assistance to the Government in assessing the situation and in obtaining a more detailed picture of the situation of women in China.

29. In her concluding remarks on behalf of the Committee, the Chairperson thanked the representative and his delegation for their presence and the answers to the many questions, which proved the importance the Government of China placed on women's issues, and showed that they heeded the Convention and the Committee. She also expressed her appreciation for the fact that China had not entered any reservations to the Convention, except on article 29, which, however, did not deal with discrimination. China was a large country, she went on, and the responsibility was huge to face up to issues such as traditions.

30. She pointed to two new positive steps taken by the Government, namely the adoption of new laws for women, and structural adjustment in the economy, which led to an increased GNP. A percentage of that increase would go towards programmes that were social or economic in nature, and women would benefit from it. Since structural adjustment programmes often caused women to become victims, owing to the removal of social programmes from the budget, she expressed her hope that the next report would provide the Committee with an evaluation and assessment of those programmes, which could become an example to be followed by others. She stated that illiteracy was still a problem, with 70 per cent of the 180 million illiterates being women. Extensive treatment was required, she continued, since illiteracy was a huge problem in the advancement of women. She found the 26 per cent women in the diplomatic corps to be a sizeable number, but eight women ambassadors was perhaps not such a large number, and she hoped that that would increase. Concerning population matters, and the question whether by tradition preference was given to men, she said that the numbers provided by the representative had removed fears on the male:female ratios. She hoped that the Government would continue to pay attention to the balance between males and females.

31. Concerning the next report, she expressed her hope that the Committee would receive more details on the percentages of women, and on procedures to overcome old habits. She pointed to the linkage between the political history of a country and its socio-economic situation, which in China found its expression between the feudal system and the fact that men were considered to be superior. If the next report could stress those points, it would help the Government to overcome those problems.